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HON. EDWIN KASSOFF  
Presiding Justice, Appellate Term  
NYS Supreme Court, Retired  
(1924-2015)

Law Clerk

CHRISTINE KUMMER, JD

April 10, 2017

**VIA ECF AND FACSIMILE TO: 631-712-5636**

The Honorable Sandra J. Feuerstein, U.S.D.J.  
United States District Court for the Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11722

**Re: *Double D Import SAS, et al. v. Ajmal Cheema, et al.***  
**Docket No: 17-cv-01414 (SJF)(GRB)**

Dear Judge Feuerstein:

We represent Plaintiffs Double D-Import SAS and Double D-Import SAS, derivatively as a member of and on behalf of, ACS Gear USA Ltd. ("Plaintiffs") in the above captioned matter.

Please accept this correspondence as Plaintiffs' opposition to the April 7, 2017 letter motion (ECF No. 12) by Defendants Ajmal Cheema, Waheed Akhtar and Naveed Akhtar, and Nominal Corporate Defendant ACS Gear USA Ltd. ("Defendants") for a thirty (30) day extension of the time by which they must move or answer the Verified Amended Complaint (ECF No. 8).<sup>1</sup> Plaintiffs are willing to consent to a two (2) week extension, and have communicated such to defense counsel.

The contents of the Verified Amended Complaint (ECF No. 8) came as no surprise to Defendants or defense counsel, as defense counsel has been retained by Defendants since at least February 10, 2017, when defense counsel first corresponded with us. In fact, since that time, numerous correspondences have been exchanged and numerous phone conferences have taken place between Plaintiffs' counsel and defense counsel concerning the instant matter. Not only have the attorneys been in frequent contact but, additionally, Plaintiffs met with some of the defendants over a month ago in Europe, in an effort to resolve the matter.

Further, Defendants' alleged business out of the country should not be an impediment to their responding to the Verified Amended Complaint (ECF No. 8). Defendants' presence outside the country did stop them from meeting with Plaintiffs to discuss the dispute. It is hard, if not impossible, to comprehend that, in this day and age of internet, phone and teleconference

<sup>1</sup> We would like to bring to the Court's attention that we found it disturbing that when defense counsel contacted our office regarding the requested extension, he represented that since he is personally familiar with this Court, his request will be granted regardless of Plaintiffs' position.



capabilities, defense counsel is unable to communicate with Defendants such that a thirty (30) day extension is warranted.

Defendants' request is unreasonable and unjustified under the circumstances, and, as such, it is respectfully submitted that it should be denied by the Court. Defendants were served with the Verified Amended Complaint (ECF No. 8) on March 22, 2017 (ECF Nos. 11-1, 11-2, 11-3, 11-4) and have had ample time to review its contents with defense counsel. Additionally, Defendants waited until almost the eleventh hour to make this request. Notwithstanding Defendants' late request, Plaintiffs, as confirmed by defense counsel's letter (ECF No. 12), extended a courtesy to Defendants by consenting to a two (2) week extension.

With each day that passes absent a resolution to the issues addressed by the Verified Amended Complaint (ECF No. 8), Plaintiffs are seriously, if not irreparably, damaged by Defendants' actions. Defendants' have shown no good faith in this matter. In fact, they have even refused to return merchandise earmarked as a charitable donation – something that was again brought to their attention when their phone call seeking an extension of time to move or answer was made. Therefore, Plaintiffs respectfully request that the Court grant only a two (2) week extension of the date by which Defendants must move or answer.

We thank the Court for its time and courtesies in this matter.

Respectfully submitted,

**LEVITT LLP**

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